

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 7, 1998

APPLICATION OF

TIDALWAVE TELEPHONE, INC.

CASE NO. PUC980063

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On April 24, 1998, Tidalwave Telephone, Inc. ("Tidalwave" or "Applicant") filed an application for certificates of public convenience and necessity ("certificate") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia.

By Order dated May 8, 1998, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a report, and scheduled a public hearing to receive evidence relevant to Tidalwave's application. On June 16, 1998, the Staff filed its report finding that Tidalwave's application was in compliance with the Commission's Rules for Local Exchange Telephone Competition, as adopted in Case No. PUC950018, except that Tidalwave did not provide audited financial statements, as

is required by the Commission's Rules Governing the Certification of Interexchange Carriers, as amended in Case No. PUC850035. Based upon its review of Tidalwave's application and unaudited financial statements, the Staff determined it would be appropriate to grant an interexchange certificate to the Company and a local exchange certificate to Tidalwave subject to two conditions: (1) any customer deposits collected by the Company shall be retained in an unaffiliated third-party escrow account until such time as the Staff or Commission determines is necessary; and (2) the Company shall provide audited financial statements to the Staff on or before June 30, 1999.

A hearing was conducted on June 25, 1998. Tidalwave filed proof of publication and proof of service as required by the May 8, 1998 scheduling order. At the hearing, the application and accompanying attachments, and the Staff report were entered into the record without objection.

Having considered the application and the Staff report, the Commission finds that Tidalwave should be granted certificates to provide for local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission also finds that Tidalwave may price its interexchange services competitively. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) Tidalwave Telephone, Inc. is hereby granted a certificate of public convenience and necessity, No. TT-54A, to provide interexchange service subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this order.

(2) Tidalwave Telephone, Inc. is hereby granted a certificate of public convenience and necessity, No. T-414, to provide local exchange telecommunications service subject to the restrictions set forth in the Commission's Rules for Local Exchange Telephone Competition, § 56-265.4:4 of the Code of Virginia, and the provisions of this order.

(3) Tidalwave shall provide tariffs to the Division of Communications which conform with all applicable Commission rules and regulations.

(4) Tidalwave shall provide to the Division of Economics and Finance audited, year-end 1998 financial statements on or before June 30, 1999.

(5) Should Tidalwave collect customer deposits, it shall establish and maintain an escrow account, held by a third party, to hold such funds, and shall notify the Commission Staff of the escrow arrangement. Any escrow arrangement established pursuant to this order shall be maintained for such time as the Staff or Commission determines necessary.

(6) Pursuant to § 56-481.1 of the Code of Virginia, Tidalwave may price its interexchange services competitively.

(7) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.